

April Hollingsworth (Bar No. 9391)
HOLLINGSWORTH LAW OFFICE, LLC
1881 South 1100 East
Salt Lake City, UT 84105
Telephone (801) 415-9909
april@aprilhollingsworthlaw.com

Attorney for Plaintiff

IN THE UNITED STATE DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

JUDITH PINBOROUGH ZIMMERMAN,
Ph.D.,

Plaintiff,

vs.

UNIVERSITY OF UTAH,

Defendant.

**PLAINTIFF’S MOTION FOR
ATTORNEYS’ FEES**

Case No. 2:13-cv-1131

Judge Jill N. Parrish

Plaintiff Dr. Judith Pinborough Zimmerman, by and through her undersigned counsel, hereby files this Motion for Attorneys’ Fees. Because Dr. Zimmerman prevailed on her claim under the Utah Whistleblower Act against the University of Utah, she is entitled to an award of her reasonable attorney fees. U.C.A. § 67-21-5. Accordingly, Dr. Zimmerman hereby seeks fees pursuant to the Whistleblower Act, Fed. R. Civ. P. 54, and DUCivR 54-2(f). For the reasons explained herein, the total amount of fees she seeks to be awarded is \$266,421.50,

Generally, the determination of the reasonableness of a fee request begins with the calculation of the lodestar amount of the fee – that is, “the number of attorney hours reasonably expended on the litigation multiplied by a reasonable hourly rate” based on the prevailing market

rates in the community. *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983); *USA Power, LLC v. PacifiCorp*, 372 P.3d 629, 662 (Utah 2016). Dr. Zimmerman has submitted Declarations to support her Motion and as evidence to determine the reasonableness of the hourly rates sought. She also submits billing statements from the two firms who represented her in this case -- Parson Kinghorn and Harris, and Hollingsworth Law Office, LLC -- including itemized time entries from the various attorneys who worked on the case, so that the Court may review the work performed to determine whether the time spent on the case was reasonable given the complexity of the case.

Over the course of the five-plus years that Dr. Zimmerman has pursued her claims, she has relied on several different attorneys at two firms. In December 2012, she hired the law firm of Parson Kinghorn Harris to represent her. Her case was primarily handled by attorney Lisa Petersen, then billing at a rate of \$265/hour (raised to \$270/hour in January 2013). Also, Melyssa Davidson, who billed at \$185/hour, and Bonnie Hamp, who billed at \$125/hour, worked on the case. Parson Kinghorn Harris billed Dr. Zimmerman at its attorneys' full hourly rate, for a total of \$29,322 in billable hours. That firm's invoices are attached hereto as Exhibit 1.

In September 2014, Ms. Petersen changed firms, and Dr. Zimmerman hired Hollingsworth Law Office, LLC, which agreed to take the case on a reduced hourly/partial contingency basis.¹ The firm's associate attorney, Ashley Leonard, conducted most of the litigation between September 2014 through the (first) summary judgment hearing in April 2016. Ms. Hollingsworth became, for the most part, the sole attorney working on the case once Ms. Leonard left the firm in August 2016. Ms. Hollingsworth hired a contract attorney, Katie

¹ It is well-established that "the contracted billing rate of a party's attorney is not determinative of a fee award." *USA Power, LLC*, at 665.

Bushman, to help with researching the issues before the Utah Supreme Court, however. Ms. Hollingsworth then hired Katie Panzer, a recent law graduate, to assist her with trial. Ms. Hollingsworth's declaration, attached as Exhibit 2, provides a breakdown of the hours billed by all of the individuals, including herself, who worked on behalf of Hollingsworth Law Office, LLC. In total, Hollingsworth Law Office, LLC billed \$237,099.50 in hours spent on this case.

Ms. Hollingsworth's current rate is \$375/hour, the reasonableness of which is supported by the attached declaration of another Utah employment law attorney, Elizabeth Peck (Exhibit 3), and the 2017 Wolters Kluwer report attached, which analyzed billing rates for various cities, including Salt Lake City (Exhibit 4). Reasonable billing rates for the other attorneys who worked on the case are: \$150/hour for Ashley Leonard, \$125/hour for Katie Bushman, and \$95/hour for Katie Panzer.

As the prevailing party in a contentious case that spanned over five years, Dr. Zimmerman and her attorneys should be compensated fully for the time, effort, expense, and expertise put into this case. Accordingly, Dr. Zimmerman hereby requests that the Court award her attorneys' fees in the amount of \$266,421.50, for the \$29,322 billed by Parson Kinghorn Harris, and the \$237,099.50 billed by Hollingsworth Law Office, LLC.

DATED this 19th day of September, 2018.

HOLLINGSWORTH LAW OFFICE, LLC

/s/ April L. Hollingsworth
April L. Hollingsworth
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of **PLAINTIFF’S MOTION FOR ATTORNEYS’ FEES** has been served via the court’s ecf filing system on September 19, 2018, to the following:

Steven T. Densley
Kathleen M. Liuzzi
Assistant Utah Attorney General
160 East 3300 South, Sixth Floor
P.O. Box 140856
Salt Lake City, UT 84114-0856
stevendensley@agutah.gov
kliuzzi@agutah.gov

/s/ April L. Hollingsworth